

**ELECTION**

In response to the Election Requirement mailed September 15, 2005, Applicant elects, for prosecution on the merits and without traverse, the invention of a "method of filtering" of Group III and Claims 37 – 40.

**WITHDRAWALS**

Claims 1 – 36, 41 and 42 are withdrawn from consideration, pending the allowance of the claims of the elected claims.

**NEW CLAIMS ADDED BY AMENDMENT**

New Claims 43 – 47 are drawn to the "method of filtering" of Group III and are added by amendment to more fully claim the "method of filtering" invention disclosed in the specification.

**REMARKS**

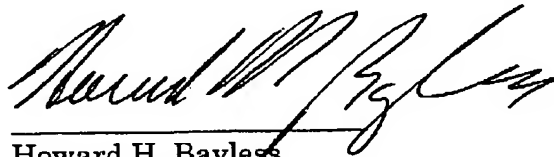
This application was filed with 42 claims. Applicant was required under 35 U.S.C. 121 to elect a single invention and a single disclosed species of that invention for prosecution on the merits. Applicants elected Group III, and Claims 37 – 40 as readable upon the elected species. Claims 1 – 36, 41 and 42 have been withdrawn pending the allowance of the elected claims. No claims have been cancelled. New Claims 43 – 47 are added by amendment. Therefore, Claims 37 – 40 and 43 – 47 are pending in the Application.

Applicant submits that this response places the application in a condition for examination. Reconsideration of the restriction requirement and the application

based on the remaining claims and arguments submitted above is respectfully requested.

The Commissioner is authorized to charge the additional filing fee for the added claims in the amount of \$305.00 to Deposit Account 23-0035. The Commissioner is authorized to charge any deficiency or credit any overpayment associated with the filing of this Response to Election Requirement and Amendment Deposit Account 23-0035.

Respectfully submitted,



Howard H. Bayless  
Registration No. 51,245  
WADDEY & PATTERSON  
A Professional Corporation  
Customer No. 23456

ATTORNEY FOR APPLICANT

Howard H. Bayless  
Waddey & Patterson, P.C.  
Roundabout Plaza  
1600 Division Street, Suite 500  
Nashville, TN 37203  
(615) 242-2400

**CERTIFICATE OF TRANSMISSION**

I hereby certify that this **RESPONSE TO ELECTION REQUIREMENT AND AMENDMENT** in the prosecution of U.S. Patent Application Serial Number 10/780,791 having a filing date of February 18, 2004 is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (571) 273-8300 on October 17, 2005.

Howard H. Bayless



Howard H. Bayless

Registration Number 51,245

October 17, 2005

Date